



0000155324

**BEFORE THE ARIZONA POWER
AND TRANSMISSION LINE SITING COMMITTEE**

IN THE MATTER OF THE APPLICATION
OF ARIZONA PUBLIC SERVICE
COMPANY, IN CONFORMANCE WITH
THE REQUIREMENTS OF ARIZONA
REVISED STATUTES 40-360 ET SEQ., FOR
A CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AUTHORIZING THE
OCOTILLO MODERNIZATION PROJECT,
WHICH INCLUDES THE INSTALLATION
OF FIVE 102 MW GAS TURBINES AND
THE CONSTRUCTION OF TWO 230-
KILOVOLT GENERATION
INTERCONNECTIONS AND OTHER
ANCILLARY FACILITIES, ALL LOCATED
WITHIN THE BOUNDS OF THE EXISTING
OCOTILLO POWER PLANT SITUATED ON
PROPERTY OWNED BY ARIZONA PUBLIC
SERVICE COMPANY AND LOCATED AT
1500 EAST UNIVERSITY DRIVE, TEMPE,
ARIZONA, IN MARICOPA COUNTY.

DOCKET NO. L-00000D-14-0292-00169

Case No. 169

**ARIZONA PUBLIC SERVICE
COMPANY'S NOTICE OF FILING E-
MAIL COMMUNICATIONS**

ORIGINAL

RECEIVED
2014 AUG 13 P 4:37
ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

NOTICE OF FILING

Pursuant to the Procedural Order filed on August 1, 2014, Arizona Public Service Company, the Applicant in this docket, hereby provides notice of filing of the attached e-mail communications that have occurred between the undersigned counsel and the Chairman up to this date.

RESPECTFULLY SUBMITTED this 13th day of August, 2014.

Arizona Corporation Commission

DOCKETED

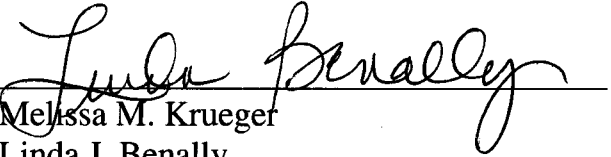
AUG 13 2014

DOCKETED BY	
-------------	--

LEWIS ROCA ROTHGERBER, LLP

Thomas H. Campbell
201 East Washington Street, Suite 1200
Phoenix, Arizona 85004
Attorney for APS

ARIZONA PUBLIC SERVICE COMPANY


Melissa M. Krueger

Linda J. Benally
Pinnacle West Capital Corporation
Law Department
400 North 5th Street, MS 8695
Phoenix, Arizona 85004
Attorneys for Arizona Public Service Company

ORIGINAL and twenty-five (25) copies
of the foregoing filed this 13th day of
August, 2014, with:

The Arizona Corporation Commission
Hearing Division – Docket Control
1200 West Washington Street
Phoenix, Arizona 85007

COPY of the foregoing delivered/mailed
this 13th day of August, 2014, to:

John Foreman
Arizona Power Plant and Transmission Line
Siting Committee
Office of the Arizona Attorney General
PAD/CPA
1275 West Washington Street
Phoenix, Arizona 85007

Lyn Farmer
Administrative Law Judge
Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

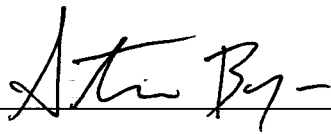
Janice Alward
Legal Division
Arizona Corporation Commission
1200 West. Washington
Phoenix, Arizona 85007

1 Steve Olea
2 Utilities Division
3 Arizona Corporation Commission
4 1200 West Washington
Phoenix, Arizona 85007

5 COASH & COASH
6 1802 North 7th Street
Phoenix, Arizona 85006

7 Daniel Pozefsky
8 Residential Utility Consumer Office
9 1110 West Washington, Suite 220
Phoenix, Arizona 85007

10 C. Webb Crockett
11 Patrick J. Black
12 Fennemore Craig, P.C.
13 2394 East Camelback Road, Suite 600
Phoenix, Arizona 85016

14
15 
16
17
18
19
20
21
22
23
24
25
26
27
28

McCoy, Cindy


From: Hunsinger, Nyla <Nyla.Hunsinger@azag.gov>
Sent: Friday, August 01, 2014 11:29 AM
To: Benally, Linda J
Cc: McCoy, Cindy
Subject: RE: Notice of Hearing - Docket No. L-00000D-14-0292-00169

Thank you Linda.

Sincerely,

Nyla Hunsinger
Assistant to Chairman John Foreman
**ARIZONA POWER PLANT AND
TRANSMISSION LINE SITING COMMITTEE**
Tele: (602) 542-8926

Arizona Power Plant and Transmission Line Siting Committee Members: In order to avoid any potential question about an Arizona Open Meetings Law violation, please do not reply to any of the recipients of this e-mail except the sender.

 NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

From: Linda.Benally@pinnaclewest.com [mailto:Linda.Benally@pinnaclewest.com]
Sent: Friday, August 01, 2014 11:26 AM
To: Hunsinger, Nyla
Cc: Cindy.McCoy@pinnaclewest.com
Subject: RE: Notice of Hearing - Docket No. L-00000D-14-0292-00169

Per your request, attached is a PDF version of the executed Notice of Hearing.

Linda Benally
Attorney, Regulatory
(602) 250-3633

From: Hunsinger, Nyla [mailto:Nyla.Hunsinger@azag.gov]
Sent: Friday, August 01, 2014 11:00 AM
To: Benally, Linda J
Subject: RE: Notice of Hearing - Docket No. L-00000D-14-0292-00169

Linda, would you email me a copy of NOH signed by Chairman Foreman that you are filing.


Thank you,

Nyla Hunsinger
Assistant to Chairman John Foreman

• **ARIZONA POWER PLANT AND
TRANSMISSION LINE SITING COMMITTEE**

1275 W. Washington Street
Phoenix, AZ 85007
Tele: (602) 542-8926
Fax: (602) 542-4377

Arizona Power Plant and Transmission Line Siting Committee Members: In order to avoid any potential question about an Arizona Open Meetings Law violation, please do not reply to any of the recipients of this e-mail except the sender.

 NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

From: Linda.Benally@pinnaclewest.com [<mailto:Linda.Benally@pinnaclewest.com>]
Sent: Friday, August 01, 2014 10:47 AM
To: Foreman, John
Cc: TCampbel@lrrlaw.com; Cindy.McCoy@pinnaclewest.com; Hunsinger, Nyla
Subject: RE: Notice of Hearing - Docket No. L-00000D-14-0292-00169

Chairman Foreman,

APS will file its Notice of Filing re: List of Affected Jurisdictions today. Per your direction, APS will re-file the OMP Notice of Hearing, dated July 31, 2014, with Docket Control today. Thank you.

Linda Benally
Attorney, Regulatory
(602) 250-3633

From: Foreman, John [<mailto:John.Foreman@azag.gov>]
Sent: Friday, August 01, 2014 10:11 AM
To: Benally, Linda J
Cc: TCampbel@lrrlaw.com; McCoy, Cindy; Hunsinger, Nyla
Subject: RE: Notice of Hearing - Docket No. L-00000D-14-0292-00169

Linda,
I am trading phone calls with Docket Control this morning. I do not believe that the modifications you made are not necessary or required. But, we will have to wait and see what happens. We went through this with the last application and eventually they agreed to a separate list of affected jurisdictions. I think the problem is distinguishing between who exactly is getting notice (historically lots more received notice than the statute requires as is reflected in your revisions) and who is sending the certified copies of the notices (historically both the Applicant and Docket Control have from time to time). We had some discussions with ACC staff and Docket Control about how to resolve the confusion. The result seems to be more confusion than before.

I encourage you to file a separate list of affected jurisdictions. My hope is Docket Control will accept the Notice you have already filed. I am going to file an Agenda, letter to ACC staff, and Procedural Order today. The Procedural Order will direct the Applicant to provide notice as required by A.R.S. 40-360.04(A) to the City of Tempe, Maricopa County and any other affected jurisdiction within the meaning of A.R.S. 40.360.04(A). (Other "affected" "jurisdictions" would be state or local governmental agencies that have some sort of regulatory authority over the project.)

The Applicant may decide to send notice to others for historical or other reasons. That is the Applicant's choice and not a problem for me.

John Foreman
Assistant Arizona Attorney General
Chair, Arizona Power Plant and Transmission Line Siting Committee
1275 W. Washington
Phoenix, AZ 85007
Tel: 602-542-7902
FAX: 602-542-4377
john.foreman@azag.gov

In order to avoid any potential question about an Open Meetings Law violation, please do not reply to any of the recipients of this e-mail except the sender.

██████████ NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain ██████████ information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

From: Linda.Benally@pinnaclewest.com [<mailto:Linda.Benally@pinnaclewest.com>]
Sent: Friday, August 01, 2014 9:47 AM
To: Foreman, John
Cc: TCampbel@lrrlaw.com; Cindy.McCoy@pinnaclewest.com; Hunsinger, Nyla
Subject: Notice of Hearing - Docket No. L-00000D-14-0292-00169

Chairman Foreman,

APS intended on filing the List of Affected Jurisdictions today so it could include the docket number in the notice of filing. APS learned that Docket Control is requiring that the Notice of Hearing include the list of affected jurisdictions within the document, rather than in a separate filing. Docket Control indicated that they have allowed separate filings in the past re: notice of filing - list of affected jurisdictions; however, they have changed their process. To comply with the statute, Docket Control requires that the Notice of Hearing document include the list of affected jurisdictions so they can properly document/distribute the Notice of Hearing.

Attached is the revised Notice of Filing for your review and consideration. If the revised document is acceptable, APS is available to pick up the signed copy from your office and file with docket control today.

Thank you.

Linda Benally
Attorney, Regulatory
(602) 250-3633

From: Foreman, John [<mailto:John.Foreman@azag.gov>]
Sent: Friday, August 01, 2014 8:49 AM
To: Benally, Linda J
Cc: TCampbel@lrrlaw.com; McCoy, Cindy; Hunsinger, Nyla
Subject: RE: Notice of Hearing - Docket No. L-00000D-14-0292-00169

Linda,
I have had a chance to talk to Docket Control this morning. My understanding of their concern is that you need to file a "Notice of Affected Jurisdictions" or something similar that tells them to whom they should send a certified copy of the

Let me know if you have questions. Please contact me by e-mail so we will have a written record of our communications.

In order to avoid any potential question about an Open Meetings Law violation, please do not reply to any of the recipients of this e-mail except the sender.

From: Linda.Benally@pinnaclewest.com [<mailto:Linda.Benally@pinnaclewest.com>]
Sent: Thursday, July 31, 2014 4:57 PM
To: Foreman, John
Cc: TCampbel@lrrlaw.com; Cindy.McCoy@pinnaclewest.com; Hunsinger, Nyla
Subject: Notice of Hearing - Docket No. L-00000D-14-0292-00169

This is to let you know that the Notice of Hearing in the above reference matter, dated 7/31/14, was not accepted by ACC docket control today because it did not include a service list. How would you like to proceed in filing the Ocotillo Modernization Project Notice of Hearing in docket?

Office: (602) 250-3633

· --- NOTICE ---

This message is for the designated recipient only and may contain [REDACTED] information. If you have received it in error, please notify the sender immediately and delete the original and any copy or printout. Unintended recipients are prohibited from making any other use of this e-mail. Although we have taken reasonable precautions to ensure no viruses are present in this e-mail, we accept no liability for any loss or damage arising from the use of this e-mail or attachments, or for any delay or errors or omissions in the contents which result from e-mail transmission.

Benally, Linda J

From: Foreman, John <John.Foreman@azag.gov>
Sent: Thursday, July 31, 2014 10:04 AM
To: Benally, Linda J; Hunsinger, Nyla
Cc: tcampbell@lrrlaw.com; McCoy, Cindy
Subject: RE: CEC 169 - Ocotillo Modernization - Notice of Hearing Edits 7.23.14

Linda,

It looks fine to me. Do you plan to bring an original for me to sign when you file your documents? Let me know when you plan to stop by. I should be here all day except for lunch.

John Foreman
Assistant Arizona Attorney General
Chair, Arizona Power Plant and Transmission Line Siting Committee
1275 W. Washington
Phoenix, AZ 85007
Tel: 602-542-7902
FAX: 602-542-4377
john.foreman@azag.gov

In order to avoid any potential question about an Open Meetings Law violation, please do not reply to any of the recipients of this e-mail except the sender.

██████████ NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain ██████████ and ██████████ information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

From: Linda.Benally@pinnaclewest.com [<mailto:Linda.Benally@pinnaclewest.com>]
Sent: Thursday, July 31, 2014 9:56 AM
To: Hunsinger, Nyla; Foreman, John
Cc: tcampbell@lrrlaw.com; Cindy.McCoy@pinnaclewest.com
Subject: RE: CEC 169 - Ocotillo Modernization - Notice of Hearing Edits 7.23.14

Chairman Foreman,

Attached is a redline version of your Notice of Hearing, which includes ASU's Noble Library and the City of Tempe Kiwanis Recreation Center as the public locations. This redline also includes two edits: (1) adding "APS" as a defined term, in addition to Applicant on line 18, and (2) adding Arizona on line 27.

Thank you.

Linda Benally
Attorney, Regulatory
(602) 250-3633

From: Hunsinger, Nyla [<mailto:Nyla.Hunsinger@azag.gov>]
Sent: Wednesday, July 23, 2014 3:40 PM
To: Benally, Linda J

Cc: tcampbell@lrrlaw.com; Foreman, John; McCoy, Cindy

Subject: CEC 169 - Ocotillo Modernization - Notice of Hearing Edits 7.23.14

Good afternoon Linda,

Attached is the NOH with further edits by Chairman Foreman.

- Hayden Library added at p.3, line 20, and
- Reinserted the language of the heading as originally proposed, saving "Located" added by you. While it may be a little duplicative, the heading is the emphasis of what the Notice is about, and then lets the reader have a second look at what is being proposed in the body of the Notice.

Thank you Linda.

Sincerely,

Nyla Hunsinger

Assistant to Chairman John Foreman

ARIZONA POWER PLANT AND

TRANSMISSION LINE SITING COMMITTEE

1275 W. Washington Street

Phoenix, AZ 85007

Tele: (602) 542-8926

Fax: (602) 542-4377

Arizona Power Plant and Transmission Line Siting Committee Members: In order to avoid any potential question about an Arizona Open Meetings Law violation, please do not reply to any of the recipients of this e-mail except the sender.

██████████ NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain ██████████ and/or ██████████ information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

--- NOTICE ---

This message is for the designated recipient only and may contain ██████████ or ██████████ information. If you have received it in error, please notify the sender immediately and delete the original and any copy or printout. Unintended recipients are prohibited from making any other use of this e-mail. Although we have taken reasonable precautions to ensure no viruses are present in this e-mail, we accept no liability for any loss or damage arising from the use of this e-mail or attachments, or for any delay or errors or omissions in the contents which result from e-mail transmission.

McCoy, Cindy

From: Benally, Linda J
Sent: Thursday, July 31, 2014 4:57 PM
To: John Foreman (john.foreman@azag.gov)
Cc: Campbell, Tom (TCampbel@lrrlaw.com); McCoy, Cindy; nyla.hunsinger@azag.gov
Subject: Notice of Hearing - Docket No. L-00000D-14-0292-00169

Chairman Foreman,

This is to let you know that the Notice of Hearing in the above reference matter, dated 7/31/14, was not accepted by ACC docket control today because it did not include a service list. How would you like to proceed in filing the Ocotillo Modernization Project Notice of Hearing in docket?

Thank you.

Linda Benally
Attorney | Regulatory
Pinnacle West Capital Corporation
400 N. 5th Street MS 8695
Phoenix, Arizona 85004

Office: (602) 250-3633

McCoy, Cindy

From: Foreman, John <John.Foreman@azag.gov>
Sent: Thursday, July 31, 2014 10:00 PM
To: Benally, Linda J
Cc: TCampbel@lrrlaw.com; McCoy, Cindy; Hunsinger, Nyla
Subject: RE: Notice of Hearing - Docket No. L-00000D-14-0292-00169

Linda,
I have an early appointment, but I should be in by 8:30. Let me try to find out what the problem is and then I will contact you. We need to fix the problem tomorrow, because I will be leaving next week.
John Foreman

From: Linda.Benally@pinnaclewest.com [Linda.Benally@pinnaclewest.com]
Sent: Thursday, July 31, 2014 4:57 PM
To: Foreman, John
Cc: TCampbel@lrrlaw.com; Cindy.McCoy@pinnaclewest.com; Hunsinger, Nyla
Subject: Notice of Hearing - Docket No. L-00000D-14-0292-00169

Chairman Foreman,

This is to let you know that the Notice of Hearing in the above reference matter, dated 7/31/14, was not accepted by ACC docket control today because it did not include a service list. How would you like to proceed in filing the Ocotillo Modernization Project Notice of Hearing in docket?

Thank you.

Linda Benally
Attorney | Regulatory
Pinnacle West Capital Corporation
400 N. 5th Street MS 8695
Phoenix, Arizona 85004

Office: (602) 250-3633

--- NOTICE ---

This message is for the designated recipient only and may contain [REDACTED] information. If you have received it in error, please notify the sender immediately and delete the original and any copy or printout. Unintended recipients are prohibited from making any other use of this e-mail. Although we have taken reasonable precautions to ensure no viruses are present in this e-mail, we accept no liability for any loss or damage arising from the use of this e-mail or attachments, or for any delay or errors or omissions in the contents which result from e-mail transmission.

McCoy, Cindy

From: Foreman, John <John.Foreman@azag.gov>
Sent: Friday, August 01, 2014 8:49 AM
To: Benally, Linda J
Cc: TCampbel@lrrlaw.com; McCoy, Cindy; Hunsinger, Nyla
Subject: RE: Notice of Hearing - Docket No. L-00000D-14-0292-00169

Linda,
I have had a chance to talk to Docket Control this morning. My understanding of their concern is that you need to file a "Notice of Affected Jurisdictions" or something similar that tells them to whom they should send a certified copy of the Notice of Hearing. They are sending a copy of the Notice of Hearing "by certified mail to the affected areas of jurisdiction" as set forth in A.R.S. § 40-360.04(A). Historically, they and/or the Applicants sent the notice to a large number of folks in state agencies, local government, and interested businesses. We had a discussion about this provision and are trying to simplify the procedure. What is needed for them to comply with the statute is a list of jurisdictions that are affected. From what you have told me, I assume they would include the City of Tempe, Maricopa County and any state agencies from whom you have any kind of permitting or license requirement. The Procedural Order that I enter today will have the requirement.

Let me know if you have questions. Please contact me by e-mail so we will have a written record of our communications.

John Foreman
Assistant Arizona Attorney General
Chair, Arizona Power Plant and Transmission Line Siting Committee
1275 W. Washington
Phoenix, AZ 85007
Tel: 602-542-7902
FAX: 602-542-4377
john.foreman@azag.gov

In order to avoid any potential question about an Open Meetings Law violation, please do not reply to any of the recipients of this e-mail except the sender.

██████████ NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain ██████████. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

From: Linda.Benally@pinnaclewest.com [<mailto:Linda.Benally@pinnaclewest.com>]
Sent: Thursday, July 31, 2014 4:57 PM
To: Foreman, John
Cc: TCampbel@lrrlaw.com; Cindy.McCoy@pinnaclewest.com; Hunsinger, Nyla
Subject: Notice of Hearing - Docket No. L-00000D-14-0292-00169

Chairman Foreman,

This is to let you know that the Notice of Hearing in the above reference matter, dated 7/31/14, was not accepted by ACC docket control today because it did not include a service list. How would you like to proceed in filing the Ocotillo Modernization Project Notice of Hearing in docket?

Thank you.

Linda Benally

Attorney | Regulatory
Pinnacle West Capital Corporation
400 N. 5th Street MS 8695
Phoenix, Arizona 85004

Office: (602) 250-3633

--- NOTICE ---

This message is for the designated recipient only and may contain [REDACTED] information. If you have received it in error, please notify the sender immediately and delete the original and any copy or printout. Unintended recipients are prohibited from making any other use of this e-mail. Although we have taken reasonable precautions to ensure no viruses are present in this e-mail, we accept no liability for any loss or damage arising from the use of this e-mail or attachments, or for any delay or errors or omissions in the contents which result from e-mail transmission.

McCoy, Cindy

From: Benally, Linda J
Sent: Friday, August 01, 2014 9:47 AM
To: Foreman, John
Cc: TCampbel@lrrlaw.com; McCoy, Cindy; Hunsinger, Nyla
Subject: Notice of Hearing - Docket No. L-00000D-14-0292-00169
Attachments: OMP Notice of Hearing 08-01-14.docx

Chairman Foreman,

APS intended on filing the List of Affected Jurisdictions today so it could include the docket number in the notice of filing. APS learned that Docket Control is requiring that the Notice of Hearing include the list of affected jurisdictions within the document, rather than in a separate filing. Docket Control indicated that they have allowed separate filings in the past re: notice of filing - list of affected jurisdictions; however, they have changed their process. To comply with the statute, Docket Control requires that the Notice of Hearing document include the list of affected jurisdictions so they can properly document/distribute the Notice of Hearing.

Attached is the revised Notice of Filing for your review and consideration. If the revised document is acceptable, APS is available to pick up the signed copy from your office and file with docket control today.

Thank you.

Linda Benally
Attorney, Regulatory
(602) 250-3633

From: Foreman, John [<mailto:John.Foreman@azag.gov>]
Sent: Friday, August 01, 2014 8:49 AM
To: Benally, Linda J
Cc: TCampbel@lrrlaw.com; McCoy, Cindy; Hunsinger, Nyla
Subject: RE: Notice of Hearing - Docket No. L-00000D-14-0292-00169

Linda,

I have had a chance to talk to Docket Control this morning. My understanding of their concern is that you need to file a "Notice of Affected Jurisdictions" or something similar that tells them to whom they should send a certified copy of the Notice of Hearing. They are sending a copy of the Notice of Hearing "by certified mail to the affected areas of jurisdiction" as set forth in A.R.S. § 40-360.04(A). Historically, they and/or the Applicants sent the notice to a large number of folks in state agencies, local government, and interested businesses. We had a discussion about this provision and are trying to simplify the procedure. What is needed for them to comply with the statute is a list of jurisdictions that are affected. From what you have told me, I assume they would include the City of Tempe, Maricopa County and any state agencies from whom you have any kind of permitting or license requirement. The Procedural Order that I enter today will have the requirement.

Let me know if you have questions. Please contact me by e-mail so we will have a written record of our communications.

John Foreman
Assistant Arizona Attorney General
Chair, Arizona Power Plant and Transmission Line Siting Committee
1275 W. Washington
Phoenix, AZ 85007

Tel: 602-542-7902
FAX: 602-542-4377
john.foreman@azag.gov

In order to avoid any potential question about an Open Meetings Law violation, please do not reply to any of the recipients of this e-mail except the sender.

[REDACTED] NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain [REDACTED] information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

From: Linda.Benally@pinnaclewest.com [<mailto:Linda.Benally@pinnaclewest.com>]
Sent: Thursday, July 31, 2014 4:57 PM
To: Foreman, John
Cc: TCampbel@lrrlaw.com; Cindy.McCoy@pinnaclewest.com; Hunsinger, Nyla
Subject: Notice of Hearing - Docket No. L-00000D-14-0292-00169

Chairman Foreman,

This is to let you know that the Notice of Hearing in the above reference matter, dated 7/31/14, was not accepted by ACC docket control today because it did not include a service list. How would you like to proceed in filing the Ocotillo Modernization Project Notice of Hearing in docket?

Thank you.

Linda Benally
Attorney | Regulatory
Pinnacle West Capital Corporation
400 N. 5th Street MS 8695
Phoenix, Arizona 85004

Office: (602) 250-3633

--- NOTICE ---

This message is for the designated recipient only and may contain [REDACTED] information. If you have received it in error, please notify the sender immediately and delete the original and any copy or printout. Unintended recipients are prohibited from making any other use of this e-mail. Although we have taken reasonable precautions to ensure no viruses are present in this e-mail, we accept no liability for any loss or damage arising from the use of this e-mail or attachments, or for any delay or errors or omissions in the contents which result from e-mail transmission.

1 **BEFORE THE ARIZONA POWER PLANT**
2 **AND TRANSMISSION LINE SITING COMMITTEE**

3
4 IN THE MATTER OF THE APPLICATION
5 OF ARIZONA PUBLIC SERVICE
6 COMPANY, IN CONFORMANCE WITH
7 THE REQUIREMENTS OF ARIZONA
8 REVISED STATUTES 40-360 ET SEQ., FOR
9 A CERTIFICATE OF ENVIRONMENTAL
10 COMPATIBILITY AUTHORIZING THE
11 OCOTILLO MODERNIZATION PROJECT,
12 WHICH INCLUDES THE INSTALLATION
13 OF FIVE 102 MW GAS TURBINES AND
14 THE CONSTRUCTION OF TWO 230-
15 KILOVOLT GENERATION
16 INTERCONNECTIONS AND OTHER
17 ANCILLARY FACILITIES, ALL LOCATED
18 WITHIN THE BOUNDS OF THE EXISTING
19 OCOTILLO POWER PLANT SITUATED ON
20 PROPERTY OWNED BY ARIZONA PUBLIC
21 SERVICE COMPANY AND LOCATED AT
22 1500 EAST UNIVERSITY DRIVE, TEMPE,
23 ARIZONA, IN MARICOPA COUNTY.

DOCKET NO. L-00000D-14-0292-00169

Case No. 169

24 **NOTICE OF HEARING**

25 **A PUBLIC HEARING WILL BE HELD** before the Arizona Power Plant and
26 Transmission Line Siting Committee (“Committee”) regarding the Application of
27 Arizona Public Service Company (“Applicant” or “APS”) for a Certificate of
28 Environmental Compatibility (“CEC”) authorizing **the installation of five 102 MW gas**
29 **turbines (nominal), including two 230-kilovolt generation interconnections and**
30 **other ancillary facilities (collectively, the “Ocotillo Modernization Project”).** All
31 installations and other modifications associated with the Ocotillo Modernization Project
32 will occur within the bounds of the existing Ocotillo Power Plant, which is owned and
33 operated by APS and located at 1500 East University Drive, Tempe, Arizona, in
34 Maricopa County.

35 The hearing will be held at the Embassy Suites Hotel located at 4400 South Rural
36 Road, Tempe, Arizona 85282, telephone: 480-897-7444. The hearing will begin on
37 Tuesday, September 16, 2014, at 9:30 a.m., and will continue on Wednesday, September

1 17, 2014, at 9:00 a.m. unless a tour is taken. If a tour is taken, it will begin on
2 Wednesday, September 17, 2014, at 8:00 a.m. or at a later time set by the Chairman of
3 the Committee. If necessary, the hearing will continue on Thursday, September 18,
4 2014, at 9:00 a.m. The hearings will adjourn at approximately 5:00 p.m. each day.
5 Additional hearings, if necessary, will be noticed on the Ocotillo Modernization Project
6 website at: www.azenergyfuture.com/ocotillo, and on the Arizona Corporation
7 Commission ("ACC") website at: [www.azcc.gov/AZ_Power_Plant/LineSiting-](http://www.azcc.gov/AZ_Power_Plant/LineSiting-Calendar.asp)
8 [Calendar.asp](http://www.azcc.gov/AZ_Power_Plant/LineSiting-Calendar.asp).

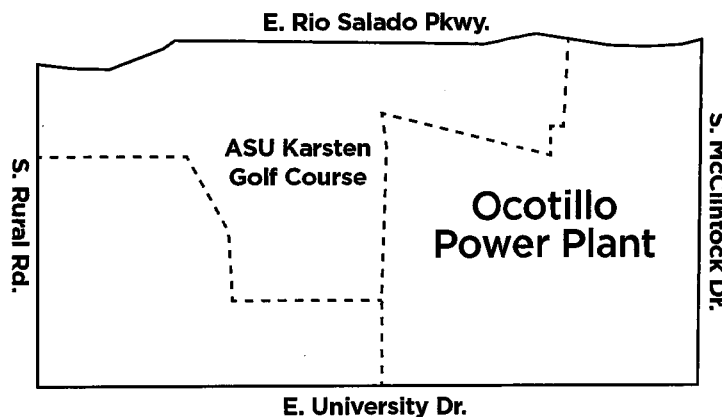
9 **PUBLIC COMMENT MAY BE TAKEN AT THE BEGINNING OF EACH**
10 **HEARING DAY OR AT OTHER TIMES DURING THE HEARING AT THE**
11 **DISCRETION OF THE CHAIRMAN OF THE COMMITTEE. PUBLIC**
12 **COMMENT WILL BE TAKEN IN A SPECIAL EVENING SESSION ON**
13 **TUESDAY, SEPTEMBER 16, 2014, BEGINNING AT 6:00 P.M., AT THE**
14 **EMBASSY SUITES HOTEL LOCATED AT 4400 SOUTH RURAL ROAD,**
15 **TEMPE, ARIZONA 85282.**

16 The Committee Chairman may, at his discretion, recess the hearing to a time and
17 place to be announced during the hearing, or to be determined after the recess. The date,
18 time and place at which the hearing will be resumed will be posted on the above-noted
19 Ocotillo Modernization Project website and the ACC website. **NOTE: NOTICE OF**
20 **ANY SUCH RESUMED HEARING WILL BE GIVEN; HOWEVER,**
21 **PUBLISHED NOTICE OF SUCH RESUMED HEARING IS NOT REQUIRED.**

22 The Committee may conduct a tour of the Ocotillo Power Plan area and the
23 proposed modifications on Wednesday, September 17, 2014, beginning at 8:00 a.m. or
24 at an alternate date and time as determined by the Chairman of the Committee. The map
25 and itinerary for the tour will be available at the hearing and posted on the Ocotillo
26 Modernization Project website. Members of the public may follow the Committee on
27 the tour. During the tour, the Committee may hear brief testimony at stops on the tour
28 from one or more witnesses concerning where the stops are located, what is visible at the

1 stops, and the relevance of the location and view to the facilities in the Application. No
2 other discussion or deliberation concerning the Application will occur during the tour.
3 A court reporter or recording device will record any testimony taken on the tour for
4 transcription.

5 The below map identifies the proposed site for the Ocotillo Modernization
6 Project:



15 Additional detailed maps of the Ocotillo Modernization Project site and detailed
16 information about the proposed facilities are contained in the full Application, which is
17 available for inspection at the following locations:

- 18 • ACC Docket Control Center, Phoenix Office, located at 1200 West Washington
19 Street, Suite 108, Phoenix, Arizona 85007
- 20 • City of Tempe Public Library, 3500 South Rural Road, Tempe, Arizona 85282
- 21 • City of Tempe Kiwanis Recreation Center, 6111 South All American Way,
22 Tempe, Arizona 85283
- 23 • Noble Library, 601 East Tyler Mall, Tempe, Arizona 85281.
- 24 • APS's website at www.azenergyfuture.com/ocotillo.

25 Each county and municipal government and state agency interested in the
26 proposed Ocotillo Modernization Project that desires to be a party to the proceedings
27 shall, not less than ten days before the date set for the hearing, file a notice of intent to
28 become a party with the Director of Utilities, Arizona Corporation Commission, 1200
West Washington Street, Phoenix, Arizona 85007.

Any domestic non-profit corporation or association formed in whole or in part to

1 promote the conservation of the natural beauty, to protect the environment, personal
2 health or other biological values, to preserve historical sites, to promote consumer
3 interests, to represent commercial or industrial groups, or to promote the orderly
4 development of the area in which the Ocotillo Modernization Project will take place and
5 desiring to become a party to the proceedings shall, not less than ten days before the date
6 set for the hearing, file a notice of intent to become a party with the Director of Utilities,
7 Arizona Corporation Commission, 1200 West Washington Street, Phoenix, Arizona
8 85007.

9 The Committee or its Chairman, at any time deemed appropriate, may make other
10 persons parties to the proceedings.

11 Any person may make a limited appearance at a hearing by filing a statement in
12 writing with the Director of Utilities, Arizona Corporation Commission, 1200 West
13 Washington Street, Phoenix, Arizona 85007, not less than five days before the date set
14 for hearing. A person making a limited appearance will not be a party or have the right
15 to present testimony or cross-examine witnesses.

16 This proceeding is governed by Arizona Revised Statutes Sections 40-360 to 40-
17 360.13 and Arizona Administrative Code R14-3-201 to R14-3-220. No substantive
18 communication not in the public record may be made to any member of the Committee.
19 The written decision of the Committee will be submitted to the Arizona Corporation
20 Commission pursuant to A.R.S. § 40-360.07. Any person intending to be a party to the
21 proceedings on these matters before the Arizona Corporation Commission must be a
22 party to the proceeding before the Committee.

23 ORDERED this 1st day of August, 2014.

24
25
26

John Foreman, CHAIRMAN
27 ARIZONA POWER PLANT AND
28 TRANSMISSION LINE SITING COMMITTEE
Office of the Arizona Attorney General

LIST OF AFFECTED JURISDICTIONS

1. John Creer
Arizona State University
University Real Estate Development
80 East Rio Salado Parkway, Suite 513
Tempe, Arizona 85281
2. Ed Zuercher
City of Phoenix
200 West Washington Street, 12th Floor
Phoenix, Arizona 85003
3. Andrew Ching
City of Tempe
31 East Fifth Street
Tempe, Arizona 85281
4. Christopher J. Brady
City of Mesa
P.O. Box 1466
Mesa, Arizona 85211
5. Fritz Behring
City of Scottsdale
3939 North Drinkwater Boulevard
Scottsdale, Arizona 85251
6. Tom Manos
Maricopa County
301 West Jefferson, 10th Floor
Phoenix, Arizona 85003
7. Diane Enos
Salt River Pima-Maricopa Indian Community
10005 East Osborn Road
Scottsdale, Arizona 85256

McCoy, Cindy

From: Foreman, John <John.Foreman@azag.gov>
Sent: Friday, August 01, 2014 10:11 AM
To: Benally, Linda J
Cc: TCampbel@lrrlaw.com; McCoy, Cindy; Hunsinger, Nyla
Subject: RE: Notice of Hearing - Docket No. L-00000D-14-0292-00169

Linda,
I am trading phone calls with Docket Control this morning. I do not believe that the modifications you made are not necessary or required. But, we will have to wait and see what happens. We went through this with the last application and eventually they agreed to a separate list of affected jurisdictions. I think the problem is distinguishing between who exactly is getting notice (historically lots more received notice than the statute requires as is reflected in your revisions) and who is sending the certified copies of the notices (historically both the Applicant and Docket Control have from time to time). We had some discussions with ACC staff and Docket Control about how to resolve the confusion. The result seems to be more confusion than before.

I encourage you to file a separate list of affected jurisdictions. My hope is Docket Control will accept the Notice you have already filed. I am going to file an Agenda, letter to ACC staff, and Procedural Order today. The Procedural Order will direct the Applicant to provide notice as required by A.R.S. 40-360.04(A) to the City of Tempe, Maricopa County and any other affected jurisdiction within the meaning of A.R.S. 40.360.04(A). (Other "affected" "jurisdictions" would be state or local governmental agencies that have some sort of regulatory authority over the project.)

The Applicant may decide to send notice to others for historical or other reasons. That is the Applicant's choice and not a problem for me.

John Foreman
Assistant Arizona Attorney General
Chair, Arizona Power Plant and Transmission Line Siting Committee
1275 W. Washington
Phoenix, AZ 85007
Tel: 602-542-7902
FAX: 602-542-4377
john.foreman@azag.gov

In order to avoid any potential question about an Open Meetings Law violation, please do not reply to any of the recipients of this e-mail except the sender.

██████████ NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain ██████████ information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

From: Linda.Benally@pinnaclewest.com [mailto:Linda.Benally@pinnaclewest.com]
Sent: Friday, August 01, 2014 9:47 AM
To: Foreman, John
Cc: TCampbel@lrrlaw.com; Cindy.McCoy@pinnaclewest.com; Hunsinger, Nyla
Subject: Notice of Hearing - Docket No. L-00000D-14-0292-00169

Chairman Foreman,

APS intended on filing the List of Affected Jurisdictions today so it could include the docket number in the notice of filing. APS learned that Docket Control is requiring that the Notice of Hearing include the list of

affected jurisdictions within the document, rather than in a separate filing. Docket Control indicated that they have allowed separate filings in the past re: notice of filing - list of affected jurisdictions; however, they have changed their process. To comply with the statute, Docket Control requires that the Notice of Hearing document include the list of affected jurisdictions so they can properly document/distribute the Notice of Hearing.

Attached is the revised Notice of Filing for your review and consideration. If the revised document is acceptable, APS is available to pick up the signed copy from your office and file with docket control today.

Thank you.

Linda Benally

Attorney, Regulatory
(602) 250-3633

From: Foreman, John [<mailto:John.Foreman@azag.gov>]

Sent: Friday, August 01, 2014 8:49 AM

To: Benally, Linda J

Cc: TCampbel@lrllaw.com; McCoy, Cindy; Hunsinger, Nyla

Subject: RE: Notice of Hearing - Docket No. L-00000D-14-0292-00169

Linda,

I have had a chance to talk to Docket Control this morning. My understanding of their concern is that you need to file a "Notice of Affected Jurisdictions" or something similar that tells them to whom they should send a certified copy of the Notice of Hearing. They are sending a copy of the Notice of Hearing "by certified mail to the affected areas of jurisdiction" as set forth in A.R.S. § 40-360.04(A). Historically, they and/or the Applicants sent the notice to a large number of folks in state agencies, local government, and interested businesses. We had a discussion about this provision and are trying to simplify the procedure. What is needed for them to comply with the statute is a list of jurisdictions that are affected. From what you have told me, I assume they would include the City of Tempe, Maricopa County and any state agencies from whom you have any kind of permitting or license requirement. The Procedural Order that I enter today will have the requirement.

Let me know if you have questions. Please contact me by e-mail so we will have a written record of our communications.

John Foreman

Assistant Arizona Attorney General

Chair, Arizona Power Plant and Transmission Line Siting Committee

1275 W. Washington

Phoenix, AZ 85007

Tel: 602-542-7902

FAX: 602-542-4377

john.foreman@azag.gov

In order to avoid any potential question about an Open Meetings Law violation, please do not reply to any of the recipients of this e-mail except the sender.

[REDACTED] This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain [REDACTED] information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

From: Linda.Benally@pinnaclewest.com [mailto:Linda.Benally@pinnaclewest.com]
Sent: Thursday, July 31, 2014 4:57 PM
To: Foreman, John
Cc: TCampbel@lrrlaw.com; Cindy.McCoy@pinnaclewest.com; Hunsinger, Nyla
Subject: Notice of Hearing - Docket No. L-00000D-14-0292-00169

Chairman Foreman,

This is to let you know that the Notice of Hearing in the above reference matter, dated 7/31/14, was not accepted by ACC docket control today because it did not include a service list. How would you like to proceed in filing the Ocotillo Modernization Project Notice of Hearing in docket?

Thank you.

Linda Benally
Attorney | Regulatory
Pinnacle West Capital Corporation
400 N. 5th Street MS 8695
Phoenix, Arizona 85004

Office: (602) 250-3633

--- NOTICE ---

This message is for the designated recipient only and may contain [REDACTED] information. If you have received it in error, please notify the sender immediately and delete the original and any copy or printout. Unintended recipients are prohibited from making any other use of this e-mail. Although we have taken reasonable precautions to ensure no viruses are present in this e-mail, we accept no liability for any loss or damage arising from the use of this e-mail or attachments, or for any delay or errors or omissions in the contents which result from e-mail transmission.

McCoy, Cindy

From: Benally, Linda J
Sent: Friday, August 01, 2014 10:47 AM
To: Foreman, John
Cc: TCampbel@lrrlaw.com; McCoy, Cindy; Hunsinger, Nyla
Subject: RE: Notice of Hearing - Docket No. L-00000D-14-0292-00169

Chairman Foreman,

APS will file its Notice of Filing re: List of Affected Jurisdictions today. Per your direction, APS will re-file the OMP Notice of Hearing, dated July 31, 2014, with Docket Control today. Thank you.

Linda Benally
Attorney, Regulatory
(602) 250-3633

From: Foreman, John [mailto:John.Foreman@azag.gov]
Sent: Friday, August 01, 2014 10:11 AM
To: Benally, Linda J
Cc: TCampbel@lrrlaw.com; McCoy, Cindy; Hunsinger, Nyla
Subject: RE: Notice of Hearing - Docket No. L-00000D-14-0292-00169

Linda,

I am trading phone calls with Docket Control this morning. I do not believe that the modifications you made are not necessary or required. But, we will have to wait and see what happens. We went through this with the last application and eventually they agreed to a separate list of affected jurisdictions. I think the problem is distinguishing between who exactly is getting notice (historically lots more received notice than the statute requires as is reflected in your revisions) and who is sending the certified copies of the notices (historically both the Applicant and Docket Control have from time to time). We had some discussions with ACC staff and Docket Control about how to resolve the confusion. The result seems to be more confusion than before.

I encourage you to file a separate list of affected jurisdictions. My hope is Docket Control will accept the Notice you have already filed. I am going to file an Agenda, letter to ACC staff, and Procedural Order today. The Procedural Order will direct the Applicant to provide notice as required by A.R.S. 40-360.04(A) to the City of Tempe, Maricopa County and any other affected jurisdiction within the meaning of A.R.S. 40.360.04(A). (Other "affected" "jurisdictions" would be state or local governmental agencies that have some sort of regulatory authority over the project.)

The Applicant may decide to send notice to others for historical or other reasons. That is the Applicant's choice and not a problem for me.

John Foreman
Assistant Arizona Attorney General
Chair, Arizona Power Plant and Transmission Line Siting Committee
1275 W. Washington
Phoenix, AZ 85007
Tel: 602-542-7902
FAX: 602-542-4377
john.foreman@azag.gov

In order to avoid any potential question about an Open Meetings Law violation, please do not reply to any of the recipients of this e-mail except the sender.

[REDACTED] NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

From: Linda.Benally@pinnaclewest.com [<mailto:Linda.Benally@pinnaclewest.com>]
Sent: Friday, August 01, 2014 9:47 AM
To: Foreman, John
Cc: TCampbel@lrrlaw.com; Cindy.McCoy@pinnaclewest.com; Hunsinger, Nyla
Subject: Notice of Hearing - Docket No. L-00000D-14-0292-00169

Chairman Foreman,

APS intended on filing the List of Affected Jurisdictions today so it could include the docket number in the notice of filing. APS learned that Docket Control is requiring that the Notice of Hearing include the list of affected jurisdictions within the document, rather than in a separate filing. Docket Control indicated that they have allowed separate filings in the past re: notice of filing - list of affected jurisdictions; however, they have changed their process. To comply with the statute, Docket Control requires that the Notice of Hearing document include the list of affected jurisdictions so they can properly document/distribute the Notice of Hearing.

Attached is the revised Notice of Filing for your review and consideration. If the revised document is acceptable, APS is available to pick up the signed copy from your office and file with docket control today.

Thank you.

Linda Benally
Attorney, Regulatory
(602) 250-3633

From: Foreman, John [<mailto:John.Foreman@azag.gov>]
Sent: Friday, August 01, 2014 8:49 AM
To: Benally, Linda J
Cc: TCampbel@lrrlaw.com; McCoy, Cindy; Hunsinger, Nyla
Subject: RE: Notice of Hearing - Docket No. L-00000D-14-0292-00169

Linda,
I have had a chance to talk to Docket Control this morning. My understanding of their concern is that you need to file a "Notice of Affected Jurisdictions" or something similar that tells them to whom they should send a certified copy of the Notice of Hearing. They are sending a copy of the Notice of Hearing "by certified mail to the affected areas of jurisdiction" as set forth in A.R.S. § 40-360.04(A). Historically, they and/or the Applicants sent the notice to a large number of folks in state agencies, local government, and interested businesses. We had a discussion about this provision and are trying to simplify the procedure. What is needed for them to comply with the statute is a list of jurisdictions that are affected. From what you have told me, I assume they would include the City of Tempe, Maricopa County and any state agencies from whom you have any kind of permitting or license requirement. The Procedural Order that I enter today will have the requirement.

Let me know if you have questions. Please contact me by e-mail so we will have a written record of our communications.

John Foreman
Assistant Arizona Attorney General
Chair, Arizona Power Plant and Transmission Line Siting Committee

1275 W. Washington
Phoenix, AZ 85007
Tel: 602-542-7902
FAX: 602-542-4377
john.foreman@azag.gov

In order to avoid any potential question about an Open Meetings Law violation, please do not reply to any of the recipients of this e-mail except the sender.

[REDACTED] NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain [REDACTED] information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

From: Linda.Benally@pinnaclewest.com [<mailto:Linda.Benally@pinnaclewest.com>]
Sent: Thursday, July 31, 2014 4:57 PM
To: Foreman, John
Cc: TCampbel@lrrlaw.com; Cindy.McCoy@pinnaclewest.com; Hunsinger, Nyla
Subject: Notice of Hearing - Docket No. L-00000D-14-0292-00169

Chairman Foreman,

This is to let you know that the Notice of Hearing in the above reference matter, dated 7/31/14, was not accepted by ACC docket control today because it did not include a service list. How would you like to proceed in filing the Ocotillo Modernization Project Notice of Hearing in docket?

Thank you.

Linda Benally
Attorney | Regulatory
Pinnacle West Capital Corporation
400 N. 5th Street MS 8695
Phoenix, Arizona 85004

Office: (602) 250-3633

--- NOTICE ---

This message is for the designated recipient only and may contain [REDACTED] information. If you have received it in error, please notify the sender immediately and delete the original and any copy or printout. Unintended recipients are prohibited from making any other use of this e-mail. Although we have taken reasonable precautions to ensure no viruses are present in this e-mail, we accept no liability for any loss or damage arising from the use of this e-mail or attachments, or for any delay or errors or omissions in the contents which result from e-mail transmission.

McCoy, Cindy

From: Benally, Linda J
Sent: Friday, August 01, 2014 11:26 AM
To: Hunsinger, Nyla
Cc: McCoy, Cindy
Subject: RE: Notice of Hearing - Docket No. L-00000D-14-0292-00169
Attachments: AZ Line Siting Committee Notice of Hearing_Ocotillo-14-0292-000169_07311.....pdf

Per your request, attached is a PDF version of the executed Notice of Hearing.

Linda Benally
Attorney, Regulatory
(602) 250-3633


From: Hunsinger, Nyla [mailto:Nyla.Hunsinger@azag.gov]
Sent: Friday, August 01, 2014 11:00 AM
To: Benally, Linda J
Subject: RE: Notice of Hearing - Docket No. L-00000D-14-0292-00169

Linda, would you email me a copy of NOH signed by Chairman Foreman that you are filing.

Thank you,

Nyla Hunsinger
Assistant to Chairman John Foreman
**ARIZONA POWER PLANT AND
TRANSMISSION LINE SITING COMMITTEE**
1275 W. Washington Street
Phoenix, AZ 85007
Tele: (602) 542-8926
Fax: (602) 542-4377

Arizona Power Plant and Transmission Line Siting Committee Members: In order to avoid any potential question about an Arizona Open Meetings Law violation, please do not reply to any of the recipients of this e-mail except the sender

 NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message

From: Linda.Benally@pinnaclewest.com [mailto:Linda.Benally@pinnaclewest.com]
Sent: Friday, August 01, 2014 10:47 AM
To: Foreman, John
Cc: TCampbel@lrrlaw.com; Cindy.McCoy@pinnaclewest.com; Hunsinger, Nyla
Subject: RE: Notice of Hearing - Docket No. L-00000D-14-0292-00169

Chairman Foreman,

APS will file its Notice of Filing re: List of Affected Jurisdictions today. Per your direction, APS will re-file the OMP Notice of Hearing, dated July 31, 2014, with Docket Control today. Thank you.

Linda Benally

Attorney, Regulatory
(602) 250-3633

From: Foreman, John [mailto:John.Foreman@azag.gov]
Sent: Friday, August 01, 2014 10:11 AM
To: Benally, Linda J
Cc: TCampbel@lrrlaw.com; McCoy, Cindy; Hunsinger, Nyla
Subject: RE: Notice of Hearing - Docket No. L-00000D-14-0292-00169

Linda,
I am trading phone calls with Docket Control this morning. I do not believe that the modifications you made are not necessary or required. But, we will have to wait and see what happens. We went through this with the last application and eventually they agreed to a separate list of affected jurisdictions. I think the problem is distinguishing between who exactly is getting notice (historically lots more received notice than the statute requires as is reflected in your revisions) and who is sending the certified copies of the notices (historically both the Applicant and Docket Control have from time to time). We had some discussions with ACC staff and Docket Control about how to resolve the confusion. The result seems to be more confusion than before.

I encourage you to file a separate list of affected jurisdictions. My hope is Docket Control will accept the Notice you have already filed. I am going to file an Agenda, letter to ACC staff, and Procedural Order today. The Procedural Order will direct the Applicant to provide notice as required by A.R.S. 40-360.04(A) to the City of Tempe, Maricopa County and any other affected jurisdiction within the meaning of A.R.S. 40.360.04(A). (Other "affected" "jurisdictions" would be state or local governmental agencies that have some sort of regulatory authority over the project.)

The Applicant may decide to send notice to others for historical or other reasons. That is the Applicant's choice and not a problem for me.

John Foreman
Assistant Arizona Attorney General
Chair, Arizona Power Plant and Transmission Line Siting Committee
1275 W. Washington
Phoenix, AZ 85007
Tel: 602-542-7902
FAX: 602-542-4377
john.foreman@azag.gov

In order to avoid any potential question about an Open Meetings Law violation, please do not reply to any of the recipients of this e-mail except the sender.

[REDACTED] NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain **[REDACTED]** information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

From: Linda.Benally@pinnaclewest.com [mailto:Linda.Benally@pinnaclewest.com]
Sent: Friday, August 01, 2014 9:47 AM
To: Foreman, John
Cc: TCampbel@lrrlaw.com; Cindy.McCoy@pinnaclewest.com; Hunsinger, Nyla
Subject: Notice of Hearing - Docket No. L-00000D-14-0292-00169

Chairman Foreman,

APS intended on filing the List of Affected Jurisdictions today so it could include the docket number in the notice of filing. APS learned that Docket Control is requiring that the Notice of Hearing include the list of affected jurisdictions within the document, rather than in a separate filing. Docket Control indicated that they have allowed separate filings in the past re: notice of filing - list of affected jurisdictions; however, they have changed their process. To comply with the statute, Docket Control requires that the Notice of Hearing document include the list of affected jurisdictions so they can properly document/distribute the Notice of Hearing.

Attached is the revised Notice of Filing for your review and consideration. If the revised document is acceptable, APS is available to pick up the signed copy from your office and file with docket control today.

Thank you.

Linda Benally

Attorney, Regulatory
(602) 250-3633

From: Foreman, John [mailto:John.Foreman@azag.gov]
Sent: Friday, August 01, 2014 8:49 AM
To: Benally, Linda J
Cc: TCampbel@lrrlaw.com; McCoy, Cindy; Hunsinger, Nyla
Subject: RE: Notice of Hearing - Docket No. L-00000D-14-0292-00169

Linda,

I have had a chance to talk to Docket Control this morning. My understanding of their concern is that you need to file a "Notice of Affected Jurisdictions" or something similar that tells them to whom they should send a certified copy of the Notice of Hearing. They are sending a copy of the Notice of Hearing "by certified mail to the affected areas of jurisdiction" as set forth in A.R.S. § 40-360.04(A). Historically, they and/or the Applicants sent the notice to a large number of folks in state agencies, local government, and interested businesses. We had a discussion about this provision and are trying to simplify the procedure. What is needed for them to comply with the statute is a list of jurisdictions that are affected. From what you have told me, I assume they would include the City of Tempe, Maricopa County and any state agencies from whom you have any kind of permitting or license requirement. The Procedural Order that I enter today will have the requirement.

Let me know if you have questions. Please contact me by e-mail so we will have a written record of our communications.

John Foreman
Assistant Arizona Attorney General
Chair, Arizona Power Plant and Transmission Line Siting Committee
1275 W. Washington
Phoenix, AZ 85007
Tel: 602-542-7902
FAX: 602-542-4377
john.foreman@azag.gov

In order to avoid any potential question about an Open Meetings Law violation, please do not reply to any of the recipients of this e-mail except the sender.

NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

From: Linda.Benally@pinnaclewest.com [<mailto:Linda.Benally@pinnaclewest.com>]

Sent: Thursday, July 31, 2014 4:57 PM

To: Foreman, John

Cc: TCampbel@lrrlaw.com; Cindy.McCoy@pinnaclewest.com; Hunsinger, Nyla

Subject: Notice of Hearing - Docket No. L-00000D-14-0292-00169

Chairman Foreman,

This is to let you know that the Notice of Hearing in the above reference matter, dated 7/31/14, was not accepted by ACC docket control today because it did not include a service list. How would you like to proceed in filing the Ocotillo Modernization Project Notice of Hearing in docket?

Thank you.

Linda Benally

Attorney | Regulatory

Pinnacle West Capital Corporation

400 N. 5th Street MS 8695

Phoenix, Arizona 85004

Office: (602) 250-3633

--- NOTICE ---

This message is for the designated recipient only and may contain [REDACTED] information. If you have received it in error, please notify the sender immediately and delete the original and any copy or printout. Unintended recipients are prohibited from making any other use of this e-mail. Although we have taken reasonable precautions to ensure no viruses are present in this e-mail, we accept no liability for any loss or damage arising from the use of this e-mail or attachments, or for any delay or errors or omissions in the contents which result from e-mail transmission.

1 **BEFORE THE ARIZONA POWER PLANT**
2 **AND TRANSMISSION LINE SITING COMMITTEE**

3
4 IN THE MATTER OF THE APPLICATION OF
5 ARIZONA PUBLIC SERVICE COMPANY, IN
6 CONFORMANCE WITH THE
7 REQUIREMENTS OF ARIZONA REVISED
8 STATUTES 40-360 ET SEQ., FOR A
9 CERTIFICATE OF ENVIRONMENTAL
10 COMPATIBILITY AUTHORIZING THE
11 OCOTILLO MODERNIZATION PROJECT,
12 WHICH INCLUDES THE INSTALLATION OF
13 FIVE 102 MW GAS TURBINES AND THE
14 CONSTRUCTION OF TWO 230-KILOVOLT
15 GENERATION INTERCONNECTIONS AND
16 OTHER ANCILLARY FACILITIES, ALL
17 LOCATED WITHIN THE BOUNDS OF THE
18 EXISTING OCOTILLO POWER PLANT
19 SITUATED ON PROPERTY OWNED BY
20 ARIZONA PUBLIC SERVICE COMPANY
21 AND LOCATED AT 1500 EAST UNIVERSITY
22 DRIVE, TEMPE, ARIZONA, IN MARICOPA
23 COUNTY.

DOCKET NO. L-000000-14-0292-00169

Case No. 169

24 **NOTICE OF HEARING**

25 **A PUBLIC HEARING WILL BE HELD** before the Arizona Power Plant and
26 Transmission Line Siting Committee ("Committee") regarding the Application of
27 Arizona Public Service Company ("Applicant" or "APS") for a Certificate of
28 Environmental Compatibility ("CEC") authorizing **the installation of five 102 MW gas**
turbines (nominal), including two 230-kilovolt generation interconnections and
other ancillary facilities (collectively, the "Ocotillo Modernization Project"). All
installations and other modifications associated with the Ocotillo Modernization Project
will occur within the bounds of the existing Ocotillo Power Plant, which is owned and
operated by APS and located at 1500 East University Drive, Tempe, Arizona, in
Maricopa County.

 The hearing will be held at the Embassy Suites Hotel located at 4400 South Rural
Road, Tempe, Arizona 85282, telephone: 480-897-7444. The hearing will begin on
Tuesday, September 16, 2014, at 9:30 a.m., and will continue on Wednesday, September

1 17, 2014, at 9:00 a.m. unless a tour is taken. If a tour is taken, it will begin on
2 Wednesday, September 17, 2014, at 8:00 a.m. or at a later time set by the Chairman of
3 the Committee. If necessary, the hearing will continue on Thursday, September 18,
4 2014, at 9:00 a.m. The hearings will adjourn at approximately 5:00 p.m. each day.
5 Additional hearings, if necessary, will be noticed on the Ocotillo Modernization Project
6 website at: www.azenergyfuture.com/ocotillo, and on the Arizona Corporation
7 Commission ("ACC") website at: [www.azcc.gov/AZ_Power_Plant/LineSiting-](http://www.azcc.gov/AZ_Power_Plant/LineSiting-Calendar.asp)
8 [Calendar.asp](http://www.azcc.gov/AZ_Power_Plant/LineSiting-Calendar.asp).

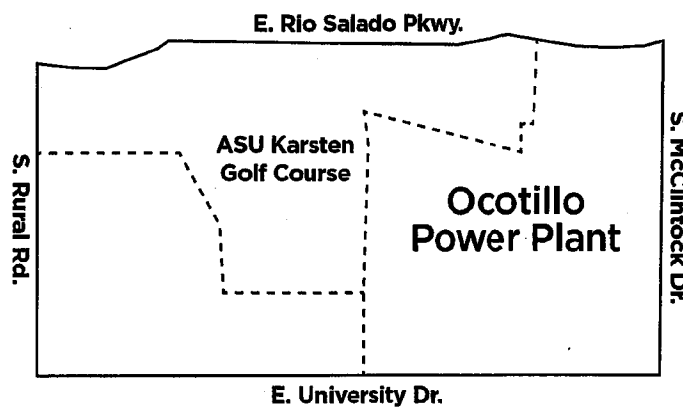
9 **PUBLIC COMMENT MAY BE TAKEN AT THE BEGINNING OF EACH**
10 **HEARING DAY OR AT OTHER TIMES DURING THE HEARING AT THE**
11 **DISCRETION OF THE CHAIRMAN OF THE COMMITTEE. PUBLIC**
12 **COMMENT WILL BE TAKEN IN A SPECIAL EVENING SESSION ON**
13 **TUESDAY, SEPTEMBER 16, 2014, BEGINNING AT 6:00 P.M., AT THE**
14 **EMBASSY SUITES HOTEL LOCATED AT 4400 SOUTH RURAL ROAD,**
15 **TEMPE, ARIZONA 85282.**

16 The Committee Chairman may, at his discretion, recess the hearing to a time and
17 place to be announced during the hearing, or to be determined after the recess. The date,
18 time and place at which the hearing will be resumed will be posted on the above-noted
19 Ocotillo Modernization Project website and the ACC website. **NOTE: NOTICE OF**
20 **ANY SUCH RESUMED HEARING WILL BE GIVEN; HOWEVER,**
21 **PUBLISHED NOTICE OF SUCH RESUMED HEARING IS NOT REQUIRED.**

22 The Committee may conduct a tour of the Ocotillo Power Plant area and the
23 proposed modifications on Wednesday, September 17, 2014, beginning at 8:00 a.m. or
24 at an alternate date and time as determined by the Chairman of the Committee. The map
25 and itinerary for the tour will be available at the hearing and posted on the Ocotillo
26 Modernization Project website. Members of the public may follow the Committee on
27 the tour. During the tour, the Committee may hear brief testimony at stops on the tour
28 from one or more witnesses concerning where the stops are located, what is visible at the

1 stops, and the relevance of the location and view to the facilities in the Application. No
2 other discussion or deliberation concerning the Application will occur during the tour.
3 A court reporter or recording device will record any testimony taken on the tour for
4 transcription.

5 The below map identifies the proposed site for the Ocotillo Modernization
6 Project:



15 Additional detailed maps of the Ocotillo Modernization Project site and detailed
16 information about the proposed facilities are contained in the full Application, which is
17 available for inspection at the following locations:

- 18 • ACC Docket Control Center, Phoenix Office, located at 1200 West Washington
19 Street, Suite 108, Phoenix, Arizona 85007
- 20 • City of Tempe Public Library, 3500 South Rural Road, Tempe, Arizona 85282
- 21 • City of Tempe Kiwanis Recreation Center, 6111 South All American Way,
22 Tempe, Arizona 85283
- 23 • Noble Library, 601 East Tyler Mall, Tempe, Arizona 85281.
- 24 • APS's website at www.azenergyfuture.com/ocotillo.

25 Each county and municipal government and state agency interested in the
26 proposed Ocotillo Modernization Project that desires to be a party to the proceedings
27 shall, not less than ten days before the date set for the hearing, file a notice of intent to
28 become a party with the Director of Utilities, Arizona Corporation Commission, 1200
West Washington Street, Phoenix, Arizona 85007.

Any domestic non-profit corporation or association formed in whole or in part to

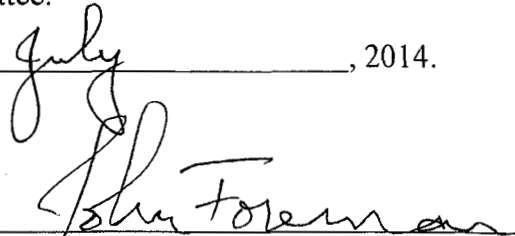
1 promote the conservation of the natural beauty, to protect the environment, personal
2 health or other biological values, to preserve historical sites, to promote consumer
3 interests, to represent commercial or industrial groups, or to promote the orderly
4 development of the area in which the Ocotillo Modernization Project will take place and
5 desiring to become a party to the proceedings shall, not less than ten days before the date
6 set for the hearing, file a notice of intent to become a party with the Director of Utilities,
7 Arizona Corporation Commission, 1200 West Washington Street, Phoenix, Arizona
8 85007.

9 The Committee or its Chairman, at any time deemed appropriate, may make other
10 persons parties to the proceedings.

11 Any person may make a limited appearance at a hearing by filing a statement in
12 writing with the Director of Utilities, Arizona Corporation Commission, 1200 West
13 Washington Street, Phoenix, Arizona 85007, not less than five days before the date set
14 for hearing. A person making a limited appearance will not be a party or have the right
15 to present testimony or cross-examine witnesses.

16 This proceeding is governed by Arizona Revised Statutes Sections 40-360 to 40-
17 360.13 and Arizona Administrative Code R14-3-201 to R14-3-220. No substantive
18 communication not in the public record may be made to any member of the Committee.
19 The written decision of the Committee will be submitted to the Arizona Corporation
20 Commission pursuant to A.R.S. § 40-360.07. Any person intending to be a party to the
21 proceedings on these matters before the Arizona Corporation Commission must be a
22 party to the proceeding before the Committee.

23 ORDERED this 31st day of July, 2014.

24
25
26 
27 John Foreman, CHAIRMAN
28 ARIZONA POWER PLANT AND
TRANSMISSION LINE SITING COMMITTEE
Office of the Arizona Attorney General

McCoy, Cindy

From: Foreman, John <John.Foreman@azag.gov>
Sent: Friday, August 01, 2014 11:45 AM
To: Benally, Linda J
Cc: TCampbel@lrrlaw.com; McCoy, Cindy; Hunsinger, Nyla
Subject: RE: Notice of Hearing - Docket No. L-00000D-14-0292-00169

Linda,

I have spoken with Lyn Farmer and I believe that when you file the List of Affected Jurisdictions Docket Control's concerns will be satisfied.

John Foreman
Assistant Arizona Attorney General
Chair, Arizona Power Plant and Transmission Line Siting Committee
1275 W. Washington
Phoenix, AZ 85007
Tel: 602-542-7902
FAX: 602-542-4377
john.foreman@azag.gov

In order to avoid any potential question about an Open Meetings Law violation, please do not reply to any of the recipients of this e-mail except the sender.

[REDACTED] NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain [REDACTED] information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

From: Linda.Benally@pinnaclewest.com [mailto:Linda.Benally@pinnaclewest.com]
Sent: Friday, August 01, 2014 10:47 AM
To: Foreman, John
Cc: TCampbel@lrrlaw.com; Cindy.McCoy@pinnaclewest.com; Hunsinger, Nyla
Subject: RE: Notice of Hearing - Docket No. L-00000D-14-0292-00169

Chairman Foreman,

APS will file its Notice of Filing re: List of Affected Jurisdictions today. Per your direction, APS will re-file the OMP Notice of Hearing, dated July 31, 2014, with Docket Control today. Thank you.

Linda Benally
Attorney, Regulatory
(602) 250-3633

From: Foreman, John [mailto:John.Foreman@azag.gov]
Sent: Friday, August 01, 2014 10:11 AM
To: Benally, Linda J
Cc: TCampbel@lrrlaw.com; McCoy, Cindy; Hunsinger, Nyla
Subject: RE: Notice of Hearing - Docket No. L-00000D-14-0292-00169

Linda,

I am trading phone calls with Docket Control this morning. I do not believe that the modifications you made are not necessary or required. But, we will have to wait and see what happens. We went through this with the last application and eventually they agreed to a separate list of affected jurisdictions. I think the problem is distinguishing between who exactly is getting notice (historically lots more received notice than the statute requires as is reflected in your revisions) and who is sending the certified copies of the notices (historically both the Applicant and Docket Control have from time to time). We had some discussions with ACC staff and Docket Control about how to resolve the confusion. The result seems to be more confusion than before.

I encourage you to file a separate list of affected jurisdictions. My hope is Docket Control will accept the Notice you have already filed. I am going to file an Agenda, letter to ACC staff, and Procedural Order today. The Procedural Order will direct the Applicant to provide notice as required by A.R.S. 40-360.04(A) to the City of Tempe, Maricopa County and any other affected jurisdiction within the meaning of A.R.S. 40.360.04(A). (Other "affected" "jurisdictions" would be state or local governmental agencies that have some sort of regulatory authority over the project.)

The Applicant may decide to send notice to others for historical or other reasons. That is the Applicant's choice and not a problem for me.

John Foreman
Assistant Arizona Attorney General
Chair, Arizona Power Plant and Transmission Line Siting Committee
1275 W. Washington
Phoenix, AZ 85007
Tel: 602-542-7902
FAX: 602-542-4377
john.foreman@azag.gov

In order to avoid any potential question about an Open Meetings Law violation, please do not reply to any of the recipients of this e-mail except the sender.

██████████ NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain ██████████ information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

From: Linda.Benally@pinnaclewest.com [<mailto:Linda.Benally@pinnaclewest.com>]
Sent: Friday, August 01, 2014 9:47 AM
To: Foreman, John
Cc: TCampbel@lrrlaw.com; Cindy.McCoy@pinnaclewest.com; Hunsinger, Nyla
Subject: Notice of Hearing - Docket No. L-00000D-14-0292-00169

Chairman Foreman,

APS intended on filing the List of Affected Jurisdictions today so it could include the docket number in the notice of filing. APS learned that Docket Control is requiring that the Notice of Hearing include the list of affected jurisdictions within the document, rather than in a separate filing. Docket Control indicated that they have allowed separate filings in the past re: notice of filing - list of affected jurisdictions; however, they have changed their process. To comply with the statute, Docket Control requires that the Notice of Hearing document include the list of affected jurisdictions so they can properly document/distribute the Notice of Hearing.

Attached is the revised Notice of Filing for your review and consideration. If the revised document is acceptable, APS is available to pick up the signed copy from your office and file with docket control today.

Thank you.

Linda Benally
Attorney, Regulatory
(602) 250-3633

From: Foreman, John [<mailto:John.Foreman@azag.gov>]
Sent: Friday, August 01, 2014 8:49 AM
To: Benally, Linda J
Cc: TCampbel@lrrlaw.com; McCoy, Cindy; Hunsinger, Nyla
Subject: RE: Notice of Hearing - Docket No. L-00000D-14-0292-00169

Linda,
I have had a chance to talk to Docket Control this morning. My understanding of their concern is that you need to file a "Notice of Affected Jurisdictions" or something similar that tells them to whom they should send a certified copy of the Notice of Hearing. They are sending a copy of the Notice of Hearing "by certified mail to the affected areas of jurisdiction" as set forth in A.R.S. § 40-360.04(A). Historically, they and/or the Applicants sent the notice to a large number of folks in state agencies, local government, and interested businesses. We had a discussion about this provision and are trying to simplify the procedure. What is needed for them to comply with the statute is a list of jurisdictions that are affected. From what you have told me, I assume they would include the City of Tempe, Maricopa County and any state agencies from whom you have any kind of permitting or license requirement. The Procedural Order that I enter today will have the requirement.
Let me know if you have questions. Please contact me by e-mail so we will have a written record of our communications.

John Foreman
Assistant Arizona Attorney General
Chair, Arizona Power Plant and Transmission Line Siting Committee
1275 W. Washington
Phoenix, AZ 85007
Tel: 602-542-7902
FAX: 602-542-4377
john.foreman@azag.gov

In order to avoid any potential question about an Open Meetings Law violation, please do not reply to any of the recipients of this e-mail except the sender.

[REDACTED] NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain **[REDACTED]** information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

From: Linda.Benally@pinnaclewest.com [<mailto:Linda.Benally@pinnaclewest.com>]
Sent: Thursday, July 31, 2014 4:57 PM
To: Foreman, John
Cc: TCampbel@lrrlaw.com; Cindy.McCoy@pinnaclewest.com; Hunsinger, Nyla
Subject: Notice of Hearing - Docket No. L-00000D-14-0292-00169

Chairman Foreman,

This is to let you know that the Notice of Hearing in the above reference matter, dated 7/31/14, was not accepted by ACC docket control today because it did not include a service list. How would you like to proceed in filing the Ocotillo Modernization Project Notice of Hearing in docket?

Thank you.

Linda Benally

Attorney | Regulatory
Pinnacle West Capital Corporation
400 N. 5th Street MS 8695
Phoenix, Arizona 85004

Office: (602) 250-3633

--- NOTICE ---

This message is for the designated recipient only and may contain [REDACTED] information. If you have received it in error, please notify the sender immediately and delete the original and any copy or printout. Unintended recipients are prohibited from making any other use of this e-mail. Although we have taken reasonable precautions to ensure no viruses are present in this e-mail, we accept no liability for any loss or damage arising from the use of this e-mail or attachments, or for any delay or errors or omissions in the contents which result from e-mail transmission.

Benally, Linda J

From: Hunsinger, Nyla <Nyla.Hunsinger@azag.gov>
Sent: Friday, August 01, 2014 2:40 PM
To: Benally, Linda J
Subject: RE: Notice of Hearing - Docket No. L-00000D-14-0292-00169

Thank you Linda. It just posted to the docket as well. Have a great weekend.

From: Linda.Benally@pinnaclewest.com [mailto:Linda.Benally@pinnaclewest.com]
Sent: Friday, August 01, 2014 2:38 PM
To: Hunsinger, Nyla
Subject: RE: Notice of Hearing - Docket No. L-00000D-14-0292-00169

Nyla,

Per your request, attached is the conformed copy of the Notice of Hearing.

Linda Benally
Attorney, Regulatory
(602) 250-3633

From: Hunsinger, Nyla [mailto:Nyla.Hunsinger@azag.gov]
Sent: Friday, August 01, 2014 2:00 PM
To: Benally, Linda J
Subject: RE: Notice of Hearing - Docket No. L-00000D-14-0292-00169

Thank you Linda. Once you have a conformed copy would you email me that as well, or at least the first page showing the filing.

Thank you,

Nyla Hunsinger
Assistant to Chairman John Foreman
**ARIZONA POWER PLANT AND
TRANSMISSION LINE SITING COMMITTEE**
1275 W. Washington Street
Phoenix, AZ 85007
Tele: (602) 542-8926
Fax: (602) 542-4377

Arizona Power Plant and Transmission Line Siting Committee Members: In order to avoid any potential question about an Arizona Open Meetings Law violation, please do not reply to any of the recipients of this e-mail except the sender.

NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

From: Linda.Benally@pinnaclewest.com [mailto:Linda.Benally@pinnaclewest.com]
Sent: Friday, August 01, 2014 11:26 AM
To: Hunsinger, Nyla

Cc: Cindy.McCoy@pinnaclewest.com

Subject: RE: Notice of Hearing - Docket No. L-00000D-14-0292-00169

Per your request, attached is a PDF version of the executed Notice of Hearing.

Linda Benally
Attorney, Regulatory
(602) 250-3633


From: Hunsinger, Nyla [<mailto:Nyla.Hunsinger@azag.gov>]
Sent: Friday, August 01, 2014 11:00 AM
To: Benally, Linda J
Subject: RE: Notice of Hearing - Docket No. L-00000D-14-0292-00169

Linda, would you email me a copy of NOH signed by Chairman Foreman that you are filing.

Thank you,

Nyla Hunsinger
Assistant to Chairman John Foreman
**ARIZONA POWER PLANT AND
TRANSMISSION LINE SITING COMMITTEE**
1275 W. Washington Street
Phoenix, AZ 85007
Tele: (602) 542-8926
Fax: (602) 542-4377

Arizona Power Plant and Transmission Line Siting Committee Members: In order to avoid any potential question about an Arizona Open Meetings Law violation, please do not reply to any of the recipients of this e-mail except the sender.

 NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

From: Linda.Benally@pinnaclewest.com [<mailto:Linda.Benally@pinnaclewest.com>]
Sent: Friday, August 01, 2014 10:47 AM
To: Foreman, John
Cc: TCampbel@lrrlaw.com; Cindy.McCoy@pinnaclewest.com; Hunsinger, Nyla
Subject: RE: Notice of Hearing - Docket No. L-00000D-14-0292-00169

Chairman Foreman,

APS will file its Notice of Filing re: List of Affected Jurisdictions today. Per your direction, APS will re-file the OMP Notice of Hearing, dated July 31, 2014, with Docket Control today. Thank you.

Linda Benally
Attorney, Regulatory
(602) 250-3633

From: Foreman, John [<mailto:John.Foreman@azag.gov>]
Sent: Friday, August 01, 2014 10:11 AM
To: Benally, Linda J
Cc: TCampbel@lrrlaw.com; McCoy, Cindy; Hunsinger, Nyla
Subject: RE: Notice of Hearing - Docket No. L-00000D-14-0292-00169

Linda,

I am trading phone calls with Docket Control this morning. I do not believe that the modifications you made are not necessary or required. But, we will have to wait and see what happens. We went through this with the last application and eventually they agreed to a separate list of affected jurisdictions. I think the problem is distinguishing between who exactly is getting notice (historically lots more received notice than the statute requires as is reflected in your revisions) and who is sending the certified copies of the notices (historically both the Applicant and Docket Control have from time to time). We had some discussions with ACC staff and Docket Control about how to resolve the confusion. The result seems to be more confusion than before.

I encourage you to file a separate list of affected jurisdictions. My hope is Docket Control will accept the Notice you have already filed. I am going to file an Agenda, letter to ACC staff, and Procedural Order today. The Procedural Order will direct the Applicant to provide notice as required by A.R.S. 40-360.04(A) to the City of Tempe, Maricopa County and any other affected jurisdiction within the meaning of A.R.S. 40.360.04(A). (Other "affected" "jurisdictions" would be state or local governmental agencies that have some sort of regulatory authority over the project.)

The Applicant may decide to send notice to others for historical or other reasons. That is the Applicant's choice and not a problem for me.

John Foreman
Assistant Arizona Attorney General
Chair, Arizona Power Plant and Transmission Line Siting Committee
1275 W. Washington
Phoenix, AZ 85007
Tel: 602-542-7902
FAX: 602-542-4377
john.foreman@azag.gov

In order to avoid any potential question about an Open Meetings Law violation, please do not reply to any of the recipients of this e-mail except the sender.

██████████ NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain ██████████ information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

From: Linda.Benally@pinnaclewest.com [<mailto:Linda.Benally@pinnaclewest.com>]
Sent: Friday, August 01, 2014 9:47 AM
To: Foreman, John
Cc: TCampbel@lrrlaw.com; Cindy.McCoy@pinnaclewest.com; Hunsinger, Nyla
Subject: Notice of Hearing - Docket No. L-00000D-14-0292-00169

Chairman Foreman,

APS intended on filing the List of Affected Jurisdictions today so it could include the docket number in the notice of filing. APS learned that Docket Control is requiring that the Notice of Hearing include the list of affected jurisdictions within the document, rather than in a separate filing. Docket Control indicated that they have allowed separate filings in the past re: notice of filing - list of affected jurisdictions; however, they have changed their process. To comply with the statute, Docket Control requires that the Notice of Hearing

document include the list of affected jurisdictions so they can properly document/distribute the Notice of Hearing.

Attached is the revised Notice of Filing for your review and consideration. If the revised document is acceptable, APS is available to pick up the signed copy from your office and file with docket control today.

Thank you.

Linda Benally

Attorney, Regulatory

(602) 250-3633

From: Foreman, John [<mailto:John.Foreman@azag.gov>]

Sent: Friday, August 01, 2014 8:49 AM

To: Benally, Linda J

Cc: TCampbel@lrrlaw.com; McCoy, Cindy; Hunsinger, Nyla

Subject: RE: Notice of Hearing - Docket No. L-00000D-14-0292-00169

Linda,

I have had a chance to talk to Docket Control this morning. My understanding of their concern is that you need to file a "Notice of Affected Jurisdictions" or something similar that tells them to whom they should send a certified copy of the Notice of Hearing. They are sending a copy of the Notice of Hearing "by certified mail to the affected areas of jurisdiction" as set forth in A.R.S. § 40-360.04(A). Historically, they and/or the Applicants sent the notice to a large number of folks in state agencies, local government, and interested businesses. We had a discussion about this provision and are trying to simplify the procedure. What is needed for them to comply with the statute is a list of jurisdictions that are affected. From what you have told me, I assume they would include the City of Tempe, Maricopa County and any state agencies from whom you have any kind of permitting or license requirement. The Procedural Order that I enter today will have the requirement.

Let me know if you have questions. Please contact me by e-mail so we will have a written record of our communications.

John Foreman

Assistant Arizona Attorney General

Chair, Arizona Power Plant and Transmission Line Siting Committee

1275 W. Washington

Phoenix, AZ 85007

Tel: 602-542-7902

FAX: 602-542-4377

john.foreman@azag.gov

In order to avoid any potential question about an Open Meetings Law violation, please do not reply to any of the recipients of this e-mail except the sender.

NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain [REDACTED] information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

From: Linda.Benally@pinnaclewest.com [<mailto:Linda.Benally@pinnaclewest.com>]

Sent: Thursday, July 31, 2014 4:57 PM

To: Foreman, John

Cc: TCampbel@lrrlaw.com; Cindy.McCoy@pinnaclewest.com; Hunsinger, Nyla

Subject: Notice of Hearing - Docket No. L-00000D-14-0292-00169

Chairman Foreman,

This is to let you know that the Notice of Hearing in the above reference matter, dated 7/31/14, was not accepted by ACC docket control today because it did not include a service list. How would you like to proceed in filing the Ocotillo Modernization Project Notice of Hearing in docket?

Thank you.

Linda Benally
Attorney | Regulatory
Pinnacle West Capital Corporation
400 N. 5th Street MS 8695
Phoenix, Arizona 85004

Office: (602) 250-3633

--- NOTICE ---

This message is for the designated recipient only and may contain [REDACTED] information. If you have received it in error, please notify the sender immediately and delete the original and any copy or printout. Unintended recipients are prohibited from making any other use of this e-mail. Although we have taken reasonable precautions to ensure no viruses are present in this e-mail, we accept no liability for any loss or damage arising from the use of this e-mail or attachments, or for any delay or errors or omissions in the contents which result from e-mail transmission.

Andreasen, Erinn A

From: Andreasen, Erinn A
Sent: Monday, August 04, 2014 10:26 AM
To: 'john.foreman@azag.gov'
Cc: Benally, Linda J; Ahrens, Joshua; Frownfelter, Jennifer (jennifer.frownfelter@urs.com); Hareza, Darla (darla.hareza@urs.com); 'lauren.krepitch@urs.com'; McCoy, Cindy
Subject: FW: Ocotillo Hearing- Hotel Information

Chairman Foreman,

Please see the hotel information for the Ocotillo hearing below which will take place at the Embassy Suites Hotel in Tempe. Please let us know if you have any questions.

Thank you!

Erinn Andreasen

Arizona Public Service
400 N. 5th Street, M.S. 9708, Phoenix, AZ 85004
Phone: 602-250-3276 | Mobile: 480-570-3122 | E-mail: Erinn.Andreasen@aps.com

From: Krepitch, Lauren [<mailto:lauren.krepitch@urs.com>]
Sent: Wednesday, July 23, 2014 10:22 AM
To: Andreasen, Erinn A
Cc: Ahrens, Joshua; Frownfelter, Jennifer; Hareza, Darla
Subject: Ocotillo Hearing- Hotel Information

Erinn-

The Ocotillo CEC Hearing will take place at the Embassy Suites Phoenix-Tempe hotel, located at 4400 S. Rural Road, Tempe 85282. Reservations can be made by calling 480-897-7444 or by visiting the website at <http://embassysuites3.hilton.com/en/hotels/arizona/embassy-suites-phoenix-tempe-PHXTPE/index.html>.

A state government rate is available at \$106/night, however this rate is subject to availability. Reservations can be made now at this rate and cancelled 24-hours prior to check-in without penalty; a state ID is required at check-in to receive the discounted rate. Rooms offer a separate living room, mini-refrigerator, microwave as well as free self-parking.

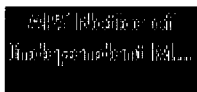
Thanks,
Lauren Krepitch

This e-mail and any attachments contain URS Corporation [REDACTED] information that may be [REDACTED]. If you receive this message in error or are not the intended recipient, you should not retain, distribute, disclose or use any of this information and you should destroy the e-mail and any attachments or copies.

Boyce, Steven

From: Arizona Public Service Regulatory Department
Sent: Monday, August 04, 2014 4:22 PM
To: bbozzo@azcc.gov; chood@azcc.gov; skanlan@azcc.gov; 'solea@azcc.gov';
[REDACTED], Pozefsky, Daniel; Alward, Janice; 'dperson@azcc.gov';
'tcampbell@lrlaw.com'; mh@coashandcoash.com
Cc: Van Ness, Jana K; Malagon, Elisa M; Little, Stephanie L (Stephanie.Little@aps.com);
Shahan, Jamie
Subject: APS Notice of Independent Monitor/Ocotillo Modernization Project
L-00000D-14-0292-00169

Attached please find the APS Notice of Independent Monitor filed August 4, 2014, in the Ocotillo Modernization Project matter. If you have any difficulty opening this document, please let me know.



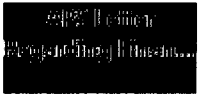
STEVEN BOYCE

Regulatory Analyst I, Federal & State Compliance
400 North 5th Street, Phoenix, AZ 85004-3902, M.S. 9712
Tel 602-250-3542
Steven.Boyce@aps.com **aps.com**

Boyce, Steven

From: Arizona Public Service Regulatory Department
Sent: Wednesday, August 06, 2014 4:10 PM
To: [REDACTED]; 'pvazquez@azcc.gov'; 'solea@azcc.gov'; 'bbozzo@azcc.gov'; 'Carmel Hood'; 'skanlan@azcc.gov'
Cc: Van Ness, Jana K; Malagon, Elisa M; Little, Stephanie L (Stephanie.Little@aps.com); Shahan, Jamie
Subject: APS Letter Regarding Financial Arrangements for Line Siting Committee Expenses/Ocotillo Modernization Project L-00000D-14-0292-00169

Attached please find the APS Letter Regarding Financial Arrangements for Line Siting Committee Expenses filed August 6, 2014, in the Ocotillo Modernization Project matter. If you have any difficulty opening this document, please let me know.



STEVEN BOYCE

Regulatory Analyst I, Federal & State Compliance
400 North 5th Street, Phoenix, AZ 85004-3902, M.S. 9712
Tel 602-250-3542
Steven.Boyce@aps.com **aps.com**

Boyce, Steven

From: Arizona Public Service Regulatory Department
Sent: Thursday, August 07, 2014 4:25 PM
To: [REDACTED]; 'mh@coashandcoash.com'; 'Alward, Janice';
'tcampbell@lrlaw.com'; 'dperson@azcc.gov'; 'solea@azcc.gov'; 'Pozefsky, Daniel'
Cc: Van Ness, Jana K; Malagon, Elisa M; Little, Stephanie L (Stephanie.Little@aps.com);
Shahan, Jamie
Subject: APS Proof of Delivery of Application to Public Locations/Ocotillo Modernization Project
L-00000D-14-0292-00169

Attached please find the APS Proof of Delivery of Application to Public Locations filed August 7, 2014 in the Ocotillo Modernization Project matter. If you have any difficulty opening this document, please let me know.



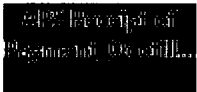
STEVEN BOYCE

Regulatory Analyst I, Federal & State Compliance
400 North 5th Street, Phoenix, AZ 85004-3902, M.S. 9712
Tel 602-250-3542
Steven.Boyce@aps.com **aps.com**

Boyce, Steven

From: Arizona Public Service Regulatory Department
Sent: Wednesday, August 06, 2014 4:11 PM
To: [REDACTED]; 'solea@azcc.gov'; 'bbozzo@azcc.gov'; 'Carmel Hood'; 'skanlan@azcc.gov'
Cc: Van Ness, Jana K; Malagon, Elisa M; Little, Stephanie L (Stephanie.Little@aps.com); Shahan, Jamie
Subject: APS Receipt of Payment/Ocotillo Modernization Project L-00000D-14-0292-00169

Attached please find the APS Receipt of Payment filed August 6, 2014, in the Ocotillo Modernization Project matter. If you have any difficulty opening this document, please let me know.



STEVEN BOYCE

Regulatory Analyst I, Federal & State Compliance
400 North 5th Street, Phoenix, AZ 85004-3902, M.S. 9712
Tel 602-250-3542
Steven.Boyce@aps.com **aps.com**